

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | |
|---|------------------------|
| A REVIEW OF THE RATES AND CHARGES) | |
| AND INCENTIVE REGULATION PLAN OF) | |
| SOUTH CENTRAL BELL TELEPHONE COMPANY) | CASE NO. 90-256 |

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed October 1, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of South Central Bell's responses to Items 18d and 23b of the Commission's Order dated September 6, 1990, on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell seeks to protect as confidential its responses to Item 18d and Item 23b of the Commission's Order dated September 6, 1990. Item 18d contains BellSouth Services' Consolidated Income Statement and Item 23b contains South Central Bell's projections of intraLATA revenues. The information is not known outside of South Central Bell or BellSouth, and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to protect the confidentiality of this information through appropriate means, including the maintenance of appropriate security at its offices.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected could be used by South Central Bell competitors to determine revenues and expenses associated with the operation of South Central Bell in Kentucky. In particular, the response to Item 23b contains South Central Bell's projections of intraLATA revenues which would be useful to South Central Bell's competitors in devising their market plans in the event intraLATA competition is allowed upon completion of Administrative Case No. 323.¹ Therefore, the information should be protected from public disclosure as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The responses by South Central Bell to Items 18d and 23b of the Commission's Order dated September 6, 1990, which South Central Bell has petitioned be withheld from public disclosure,

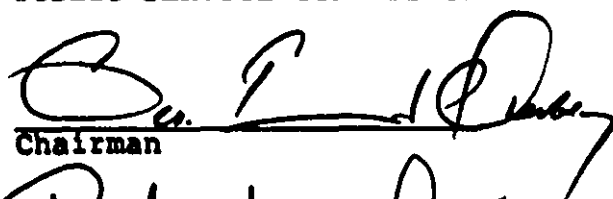
¹ Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. South Central Bell shall, within 10 days of the date of this Order, file an edited copy of its responses with the confidential material obscured or deleted for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 30th day of October, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director